

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **TAUBER et. al**

Application Serial No.: **10/785,510**

5 Application Filed: **February 17, 2004**

Attorney Docket No.: **CECOM 5522**

For: **RARE EARTH METAL COMPOUNDS FOR USE IN HIGH CRITICAL  
TEMPERATURE THIN FILM SUPER-CONDUCTING ANTENNAS**

10 Sir:

These Remarks are submitted in support of correcting the status identifiers for the amended claims in the above-identified application.

**REMARKS**

15 Claims 48 and 80 are now in the case. Claims 1-47 and 49-79 have been canceled. No new claims have been added.

This Amendment responds to the Notice of Non-Compliant Amendment dated July 24, 2006 wherein the Legal Instruments Examiner required that the status identifiers for amended claims 48 and 80 be corrected from "Previously Presented" to "Currently Amended." The  
20 present Amendment has been corrected to identify amended claims 48 and 80 as "Currently Amended." No other changes have been made to the claims or the specification.

The Examiner's prior obviousness rejection based on the E.G. Fesenko et al. article entitled "Synthesis And Investigation Of The Type  $A_2Sb^{5+}O_6$  and  $A_3Sb_2^{5+}B'O_9$  With Perovskite Structure," published in 1970 in view of Gallagher et al. U.S. Patent No. 4,962,086 entitled  
25 "High  $T_c$  Superconductor-Gallate Crystal Structures," issued on October 9, 1990 is still traversed. The Remarks submitted with the previous Amendment are hereby incorporated by reference. As more fully set forth in the prior Remarks, it is respectfully submitted that claims 48 and 80, as amended, are not obvious over the cited references.

It is respectfully submitted that amended claims 48 and 80 with the correct status  
30 identifier "Currently Amended" now meet the requirements of 37 CFR § 1.121 and are not obvious over the cited references. It is respectfully requested that the Examiner reconsider the

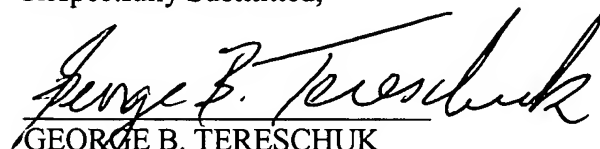
Notice of Non-Compliant Amendment, and that claims 48 and 80, as initially amended and corrected by this Amendment, be allowed and pass to issue.

Should the Examiner require further information, the Examiner is invited to telephone the Applicants' attorney at the telephone number listed below.

Respectfully Submitted,

17 August 2006

DATE

  
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GEORGE B. TERESCHUK  
Attorney for Applicants  
Registration No. 37,558  
Tel.: (732) 532-9795